IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3307 of 2006

Mr.Devdatta Ravindra Sharma — Petitioner
Vs.
Mr.Ramesh Vegaram Sharma & ors. — Respondents

Mr.Swapnil Banguar i/b M/s.Legal Associates for petitioner.

Mr.Sandeep Athale h/f.Mr.S.B.Deshmukh for Resp.Nos.1 to 4.

Ms.V.Mhaispurkar, AGP for Resp.No.5.

CORAM: B.H.MARLAPALLE,J.

August 02, 2006.

P.C.

. After having heard the learned counsel for the respective parties and having perused Clause 9 of the Scheme formulated in the year 1974 for the Respondent-Trust, it is clear that the impugned order has been passed in an application under Section 47(2) and, therefore, the same is appealable under Section 47(5) of the Bombay Public Trusts Act, 1950. When such a statutory appellate remedy is available, writ petition under Article 227 of the Constitution cannot be entertained. The petitioner is relegated to the remedy of filing an appeal if he so desires and the petition is disposed off as not maintainable.

(B.H.MARLAPALLE,J.)